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OFFICE OF PETITIONS

In re Application of
McKittrick, Janie
Application No. 09/073,643
Filed: May 6, 1998
Attorney Docket No. MCKITTRICK

ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed November 19, 2003, to revive the above-identified application.

The petition is **granted**.

This application became abandoned for failure to timely reply within three months to the final Office action mailed August 26, 2002. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, this application became abandoned on November 27, 2002. A Notice of Abandonment was mailed on April 1, 2003.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b).

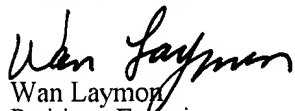
The Notice of Appeal filed November 19, 2003, has been entered and made of record. Accordingly, the 2-month period for filing the appeal brief, in triplicate, accompanied by the fee required by law, runs from the date of this decision.

The Terminal Disclaimer filed on November 19, 2003 is not required since the application was not filed prior to June 8, 1995. Therefore, the Terminal Disclaimer has not been accepted and will not be entered, but will be placed in the application file.

If appellant desires an oral hearing, appellant must file, in a separate paper, a written request for such hearing accompanied by the fee set forth in § 1.17(d) within two months of the date of the examiner's answer. The Request for Oral Hearing submitted with the instant petition on November 19, 2003, is improper in view of the fact that there has not been an appeal brief filed nor an Examiner's Answer issued in the above-identified application. Accordingly, the \$145.00 fee will be credited to petitioner's deposit account as previously authorized.

The file is now being forwarded to Technology Center 3600 for further processing.

Telephone inquiries should be directed to Paralegal Liana Chase at (703) 306-0482.



Wan Laymon
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for Patent Examination Policy